

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 30A-92 871	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP2004/001545	International filing date (day/month/year) 18.02.2004	Priority date (day/month/year) 18.02.2004
International Patent Classification (IPC) or both national classification and IPC INV. H04L12/18		
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL) et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
  - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

- This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  26.08.2005	Date of completion of this report  04.05.2006
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Ströbeck, A.  Telephone No. +31 70 340-1011 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP2004/001545**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

1-26 received on 26.08.2005 with letter of 26.08.2005

**Drawings, Sheets**

1/2, 2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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International application No. **PCT/EP2004/001545**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 7-10

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 7-10

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	2,6,12,13,21-26
	No: Claims	1,3-5,11,14-20
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6,11-26
Industrial applicability (IA)	Yes: Claims	1-6,11-26
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. The present application does not meet the criteria of **Article 33(1) PCT**, because the subject-matter of **claims 1, 17, 19 and 20** is not new in the sense of **Article 33(2) PCT**.
- 1.1 The document **D1=WO-01/61928-A** discloses (the references in parentheses applying to this document) a method for broadcasting content data from a broadcaster to a plurality of clients (12) comprising the steps of receiving, by a client, broadcasted content data from the broadcaster (Fig. 2, first step); determining, by the client, a plurality of available proxy servers that may be contacted for post-processing after the content data broadcast (page 4, line 28 - page 5, line 3); randomly selecting, by the client, one of the available proxy servers to contact for post-processing after the content data broadcast (page 5, line 22 - 24); and contacting, by the client, the selected proxy server to initiate post-processing (page 5, line 24 - 29).
- 1.2 It is noted that post-processing within the meaning of the application encompasses reconstruction of lost data within the received broadcast (page 3, lines 26-37) and that a proxy server must be understood as an entity that acts on behalf of the broadcaster, i.e. fulfilling tasks that the broadcaster will not or cannot perform, irrespective of the proxy server's relation to the clients. Finally, in D1 a random selection of an available proxy is made (page 5, lines 22-24); a proxy not known to the client is also not available in the method in D1.
- 1.3 It is furthermore noted that lack of novelty of the subject-matter of claim 1 may as well be demonstrated along the disclosure of document **D2=EP-1 365 538-A** (cf. passages cited in the search report).
- 1.4 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 17, 19 and 20, which therefore are also not new.

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2. The present application does not meet the criteria of **Article 33(1) PCT**, because the subject-matter of **claims 22 and 25** does not involve an inventive step in the sense of **Article 33(3) PCT**.

Claims 22 and 25 differ from the corresponding claim 1 in that the broadcaster determines the proxy servers that may be contacted by the clients and broadcast this information to the clients along with the content data.

The problem to be solved by the present invention may therefore be regarded as providing the clients with information about the available proxy servers. However, this is only one of several straight-forward possibilities, which the skilled person would choose from, considering the circumstances, without the involvement of an inventive step, to solve the problem of informing the clients about available proxy servers.

3. Dependent claims 2 - 6, 11 - 16, 18, 21, 23, 24 and 26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1, **D3=US-6 526 022-B** and **D4=WO-02/23904-A** and the corresponding passages cited in the search report.